

**Notice of Allowability**

Application No.

09/599,817

Examiner

Qi Han

Applicant(s)

BORQUEZ ET AL.

Art Unit

2654

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/15/2005.
2. ☒ The allowed claim(s) is/are 1-7 and 11-14.
3. ☒ The drawings filed on 23 June 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☒ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date this OA, page 2.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. This communication is responsive to the applicant's amendment dated 12/15/2005. The Applicant(s) amended claim 1 and 11-14.
2. An affidavit document, "Declaration of Deborah Worsley under C.R.R. 1.132", filed on 12/15/2005, is acknowledged. However, it cannot be considered because Deborah Worsley, as a stenographer, lacks evidence of capability of judging the detailed technology disclosed in the prior art reference (Bennett), such as the stated issue regarding "keying of phonemes" in the Deborah's declaration (page 2, paragraph 6).

### ***Drawings***

3. It is noted that even though the drawings filed on 06/23/2000 are proved by the examiner, formal copies of the drawing are required. Particularly, the multiple drawings in the same page (such as Figs. 1 and 2) must be clearly separated, for the purpose of correctly scanning the separate figures.

### ***Examiner's Amendment***

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR

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1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this Examiner's Amendment was proved by applicant representative, David E. Allred, through a telephone interview on 02/17/2006. The Examiner's Amendment is as following:

**In the Claims** (refer to the amendment filed on 12/15/2005):

**Claim 1**, page 4, line 1 of the claim, replace "Claim 1 (Previously Presented)" with -- Claim 1 (Currently amended)--.

**Claim 11**, page 6, line 1 of the claim, replace "Claim 11 (Previously Added)" with --Claim 11 (Currently amended)--;

line 4 of the claim, after "a human translator utilizing a digital recording device", insert --having wireless transmission--.

**Claim 12**, page 7, line 1 of the claim, replace "Claim 12 (Previously Added)" with --Claim 12 (Currently amended)--.

**Claim 13**, page 7, line 1 of the claim, replace "Claim 13 (Previously Added)" with --Claim 13 (Currently amended)--.

**Claim 14**, page 7, line 1 of the claim, replace "Claim 14 (Previously Added)" with --Claim 14 (Currently amended)--.

**-----end of Examiner's Amendment-----**

***Allowable Subject Matter***

5. Claims 1-7 and 11-14 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding independent **claim 1**, the instant application is directed to a method for delivering a consecutive translation from a source language to a target language via a simultaneous mode in a courtroom. The independent claim, combining certain well known feature in the art, identifies the uniquely distinct features of: utilizing one or more remote transmitter and digital recording device having a wireless receiver by: transmitting the words in the source language from the at least on remote transmitter to the digital recording device; human translator utilizing the recording device, the digital recording device receiving and recording the words in the digital recording device; wherein said recording device further comprises means for playing back said words spoken in said source language substantially instantaneously to said human translator; said human translator simultaneously interpreting and translating said words in the source language into a target language, while they are being play back; wherein the step of simultaneously interpreting and translating comprises said human translator verbally delivering a consecutive translation in real time relative to the step of hearing the words spoken in the source language.

Regarding independent **claims 11 and 12**, the statement for allowance is based on the same reason described for claim 1, because claims 11-12 recite the same or similar limitations as claim 1.

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6. The prior art of record, Glenn(US 6,434,518 B1), Kunita (US 5,724,526), Bennett et al. (US 5,884,256), and Kannes (US 4,965,819), provided numerous teachings of machine translator having recording and playing back feature, a transcription network having linked computer terminal for a court report in real time. However, the combined features as stated above, are not anticipated by, nor made obvious over the prior art of the record.

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### *Conclusion*

8. Please address mail to be delivered by the United States Postal Service (USPS) as follows:

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Effective January 14, 2005, except correspondence for Maintenance Fee payments, Deposit Account Replenishments (see 1.25(c)(4)), and Licensing and Review (see 37 CFR 5.1(c) and 5.2(c)), please address correspondence to be delivered by other delivery services (Federal Express (Fed Ex), UPS, DHL, Laser, Action, Purolater, etc.) as follows:

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Qi Han whose telephone numbers is (571) 272-7604. The examiner can normally be reached on Monday through Thursday from 9:00 a.m. to 7:00 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil, can be reached on (571) 272-7602.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Inquiries regarding the status of submissions relating to an application or questions on the Private PAIR system should be directed to the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028 between the hours of 6 a.m. and midnight Monday through Friday EST, or by e-mail at: [ebc@uspto.gov](mailto:ebc@uspto.gov). For general information about the PAIR system, see <http://pair-direct.uspto.gov>.

QH/qh  
February 17, 2006

  
RICHEMOND DORVIL  
SUPERVISORY PATENT EXAMINER